

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)
)
CIRCUIT CITY STORES, INC., et al.,) **Case No.:** **08-35653-KRH**
Debtors.) **(Chapter 11)**

REVEREND DWAYNE FUNCHES,)
Individually, and as Independent Executor of)
the Estates of Travis Funches, Dione Funches,)
and Dwayne Funches, Jr., Emily Funches,)
Lovera Funches, and Shatira Funches,)
Individually,)
)
and)
)
CYNTHIA OLLOWAY, Individually, and as)
Special Administrator of the Estate of Cedric)
Coy Langston, Jr., a Deceased Minor,)
Movants,)
)
v.)
)
CIRCUIT CITY STORES, INC., et al.,)
Respondent.)

AGREED ORDER

This day came the Movants, Reverend Dwayne Funches, Individually, and as Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches, Jr., Emily Funches, Lovera S. Funches, and Shatira Funches, Individually (the “Funches”), Cynthia Olloway, Individually and as Special Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor, as a joined party in this matter and proceedings (“Olloway” and collectively with Funches, the “Movants”) and Debtors, Circuit City Stores, Inc. (“Debtors”), by counsel, to be heard upon Movants’ *Motion for Relief from Automatic Stay of 11 U.S.C. § 362(a) and Supporting Memorandum of Law* (the “*Motion for Relief*”), at the final evidentiary hearing.

Based upon the pleadings, testimony presented, stipulations and stipulated exhibits admitted into evidence, and the arguments made at the final evidentiary hearing held on January 29, 2009, and for good cause shown, and in the interests of equity, the Court finding it reasonable and necessary to do so, hereby

ORDERS, ADJUDGES, and DECREES that:

1. The *Motion for Relief* is denied.
2. The automatic stay does **not** apply to the non-debtor defendants, Thomson, RCA, and the City of Chicago, and as such, proceedings may continue without interruption as against those **non-debtor** parties, including, but not limited to, any testing and inspection of the fire artifacts on April 1-3, 2009, or other scheduled date(s);
3. This order shall immediately take effect without any delay and/or the requirement of any finality period is **WAIVED** to facilitate same;
4. As requested by the Movants and agreed to by Debtors, this Order, upon entry, shall be shared with the Cook County Circuit Court and non-debtor defendants in that state court litigation; and
5. The Clerk shall issue copies of this Order, upon entry, to all parties and/or counsel and those listed on the Attached Service List below.

ENTERED ON THE DOCKET: Jan/ 30/2009

Date: Jan 30 2009

/s/ Kevin Huennekens

The Honorable Kevin R. Huennekens
United States Bankruptcy Judge
Eastern District of Virginia
Richmond, Virginia

I ASK FOR THIS:

/s/ Lisa Taylor Hudson

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Lisa Taylor Hudson, Esquire – VSB #45484
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Funches, Individually, and Cynthia Olloway, Individually and as Special
Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor*

SEEN AND AGREED:

/s/ Douglas M. Foley

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Counsel for Debtors, Circuit City Stores, Inc.

PROOF OF SERVICE PURSUANT TO LOCAL RULE 9022-1(C)(2)

I hereby certify that the foregoing proposed Order has been served upon all necessary parties electronically by email as to Debtors, and as to all others by United States Mail, postage prepaid on this 29th day of January, 2009.

_____/s/ Lisa Taylor Hudson_____

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CERTIFICATE OF NOTICE

District/off: 0422-7
Case: 08-35653

User: frenchs
Form ID: pdforder

Page 1 of 1
Total Served: 1

Date Rcvd: Feb 02, 2009

The following entities were served by first class mail on Feb 04, 2009.
atty +Lisa Taylor Hudson, Sands Anderson Marks & Miller, P. O. Box 1998,
801 East Main Street, Suite 1800, Richmond, VA 23219-2906

The following entities were served by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 04, 2009

Signature:

